

401 RIVERSIDE



**BUILDING AND STANDARDS BOARD AGENDA ITEM #3 FOR
WEDNESDAY, MAY 29, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION**

MEMORANDUM
April 29th, 2013

TO: The Honorable Chairman and Board Members

THROUGH: Elda Rodriguez-Hefner, Division Manager, Code Compliance Department

FROM: Tom Maguire, C.B.O., Deputy Building Official

SUBJECT: 401 Riverside Drive, El Paso, Texas, 79915-4830

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on or about July 28th, 2012, then on September 4th, 2012 and finally on April 19th, 2013. The main structure, accessory structure, and camper trailer were found to be open, abandoned, and accessible for use by unwanted persons. The empty and dilapidated in-ground swimming pool was found open due to a collapsed fence enclosure. The single family dwelling (main) structure was built on or about 1955 and constructed of Adobe with plaster coating with a wood truss roof assembly and mineral rolled roof covering. Large sections of the roof system on the main structure have failed allowing entrance of natural light and the elements into the interior, which caused portions of the ceiling system to fail and collapse. The exterior walls of the main structure contain large structural cracks causing sections of the plaster coating to fall and allow entrance of the elements. The accessory structure is dilapidated, has a failed roofing system, failing exterior walls, and an ongoing bee infestation problem. Signs of deterioration are evident throughout all the structures due to lack of maintenance, entrance of the elements and vandalism. Most of the doors and windows are broken. The electrical, plumbing and mechanical systems do not meet minimum code requirements in any of the structures.
- 2) A certified condemnation letter was mailed to EJ & Celia Sullivan on August 7^h, 2012.
- 3) Certified notices of the public hearing scheduled for May 29th, 2013, were mailed to the owners and all interested parties on May 8th, 2013.
- 4) As of April 30th, 2013, \$39,992.88 is owed in taxes

The owners have been notified of the property violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structures be condemned as substandard, unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and

- 4) That the structures cannot be rehabilitated; and
- 5) That the structures be demolished within thirty (30) days; and
- 6) The camper be removed within thirty (30) days; and
- 7) The dilapidated in-ground swimming pool be demolished and filled in within thirty (30) days; and
- 8) That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
- 9) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Code Compliance Division
May 23, 2013

NOTICE OF VIOLATION

Sullivan E J & Celia
401 Riverside Drive
El Paso, Texas, 79915-4830

Re: 401 Riverside
Blk: B Christy
Lot: E 192.5 ft of N 185.18 ft & W 68.99 ft of N 105 ft of TR 1
Zoned: R3
ENHS12-00531
7108 2133 3932 6909 1715

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.108.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.108.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.108.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.108.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by

this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **401 RIVERSIDE DRIVE, EL PASO, TEXAS 79915-4830** in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All *exterior property, accessory structures and premises* shall be maintained in a clean, safe and sanitary condition. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- d. All *exterior property and premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- e. All structures shall be kept free from insect and rodent *infestation*. All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to prevent re-infestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- f. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- g. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Prosecutor's Office for court proceedings. The court will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Nathan J. Walsh
Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the “Commission”, at the following time and place:

LOCATION: City Hall, City Council Chambers, 300 North Campbell Street, 1st Floor, El Paso, Texas 79901

DATE: May 29th, 2013

TIME: 5:30 p.m.

PROPERTY: 401 Riverside Drive, El PASO, TEXAS also described as The East 192.5 feet of the North 185.18 feet of Tract 1 and the West 68.99 feet of the North 105 feet of Tract 1 in Block “B” of CHRISTY TRACT, in Ysleta Grant, in the City of El Paso, El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, EJ & Celia Sullivan, 401 Riverside Drive, and Celia Jauregui Sullivan, Administratrix of the Estate of Edward Joseph Sullivan, 401 Riverside Drive, are the owners; herein after referred to as the “Owners” of the Property with, listed as an interested party. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about July 28th, 2012 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1,

304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]

- c. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- d. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- e. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- f. The structures needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

The Owners are entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owners advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owners fail to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order. The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

John R. Batoon
Assistant City Attorney

APPROVED AS TO CONTENT

Roger Iveson, C.B.O.
Deputy Building Official
Code Compliance Division

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 401 Riverside Drive, El Paso, Texas was PUBLISHED in the official City newspaper on the ____day of_____, 2013.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 401 Riverside Drive, El Paso, TX, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

EJ & Celia Sullivan
401 Riverside Drive
El Paso, TX 79915-4830

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 401 Riverside Drive, El Paso, TX, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Celia Jauregui Sullivan
Administratrix of the Estate of Edward Joseph Sullivan
401 Riverside Drive
El Paso, TX 79915-4830

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 401 Riverside Drive, El Paso, TX, was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 401 Riverside Drive, El Paso, TX, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 401 Riverside Drive, El Paso, TX, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 401 Riverside Drive, El Paso, TX, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Clerk, Probate Dept.
500 E. San Antonio Avenue, Suite 105
El Paso, Texas 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 401 Riverside Drive, El Paso, TX, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice was POSTED at
401 Riverside Drive, El Paso, TX, El Paso, Texas.

Date: _____

Time: _____

Inspector: _____



UNSAFE STRUCTURES REPORT

ENVIRONMENTAL SERVICES

DATE OF EXAMINATION: 7-28-2012/9-4-12/4-19-13

REP. DISTRICT: 7

ADDRESS: 401 Riverside Drive

ZONED: R-3 SP

LEGAL DESCRIPTION: The East 192.5 feet of the North 185.18 feet of Tract 1 and the West 68.99 feet of the North 105 feet of Tract 1 in Block "B" of CHRISTY TRACT, in Ysleta Grant, in the City of El Paso, El Paso County, Texas.

OWNER: EJ & Celia Sullivan and Celia Jauregui Sullivan, Administratrix of the Estate of Edward Joseph Sullivan

ADDRESS: 401 Riverside Drive El Paso, TX 79915-4830

BUILDING USE: Abandoned single family dwelling, accessory structure

TYPE OF CONSTRUCTION: Type V, Adobe with wood framed roof trusses.

FOOTINGS: Concrete

CONDITION: Unable to determine condition, footings are underground and must be evaluated by an engineer to determine actual condition.

FOUNDATION WALL: Adobe

CONDITION: Poor. Showing signs of deterioration/cracks due to lack of maintenance.

FLOOR STRUCTURE: Wood

CONDITION: Poor. Flooring rotted from entrance of the elements and lack of maintenance

EXTERIOR WALLS: Adobe

HEIGHT: 12' +/-

THICKNESS: 9"-10" +/-

CONDITION: Poor, failing. Several large cracks and sections of plaster coating has fallen away.

INTERIOR WALLS & CEILINGS: Drywall ceilings and Adobe with plaster coating walls.

CONDITION: Large sections of ceiling have fallen away due to the entrance of the elements. Walls have several large cracks.

ROOF STRUCTURE: Wood trusses with 1"x8" decking and mineral rolled roofing.

CONDITION: Very poor. Large sections of the decking are exposed allowing the entrance of natural light to the interior of the structure.

DOORS, WINDOWS, ETC.: Wood framed and metal framed windows and doors.

CONDITION: Poor, windows and doors badly dilapidated and will need to be replaced.

MEANS OF EGRESS: Does not meet egress requirements.

CONDITION: Poor

PLUMBING: Inadequate, does not meet minimum code requirements. A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

ELECTRICAL: Poor. Meter must be removed. A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

MECHANICAL: Poor. A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD: No

REMARKS: Structures are abandoned, dilapidated and in a severe state of disrepair. The department recommends that the structures, including in ground pool, be demolished within (30) days, the camper be removed and the property be cleaned within thirty (30) days and maintained clean and free of weeds, trash, and debris.

Nathan J. Walsh

Building Inspector

Go To:

ACCEPT

Summary

Tax Unit Description

List of Tax Units

2 7 0

1	5	6	7	8		
4						

AG INCLUDED Remove Fees Countywide

Tax Unit ▼

Year

Rec. Type

Multi Select

Year	Gross Value	H	O	V	D		Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2012	\$64,577	Y	Y			Exemption	\$897.64	\$0.00	\$0.00	\$897.64	\$17.95	\$0.00	\$915.59
2011	\$64,577	Y	Y			Exemption	\$879.51	\$0.00	\$0.00	\$879.51	\$87.95	\$0.00	\$967.46
2010	\$64,577	Y	Y			Exemption	\$867.95	\$0.00	\$0.00	\$867.95	\$156.23	\$0.00	\$1,024.18
2009	\$64,577	Y	Y			Exemption	\$849.21	\$0.00	\$0.00	\$849.21	\$220.80	\$0.00	\$1,070.01
2008	\$64,537	Y	Y			Exemption	\$851.95	\$0.00	\$0.00	\$851.95	\$289.66	\$0.00	\$1,141.61
2007	\$64,537	Y	Y			Exemption	\$867.08	\$0.00	\$0.00	\$867.08	\$364.18	\$0.00	\$1,231.26
2006	\$61,518	Y	Y			Exemption	\$904.49	\$0.00	\$0.00	\$904.49	\$452.25	\$0.00	\$1,356.74
2005	\$58,886	Y	Y			Exemption	\$1,011.14	\$0.00	\$0.00	\$1,011.14	\$586.47	\$0.00	\$1,597.61
2004	\$114,605	Y	Y				\$2,494.67	\$0.00	Write-Off	\$2,494.67	\$1,646.47	\$0.00	\$4,141.14

Totals

\$22,383.58

Last Payer

Alert